

10-0-0317

(Do Not Write Above This Line)

AN ORDINANCE BY: *Tracy Kang*
CARLA SMITH

AN ORDINANCE AUTHORIZING THE MAYOR ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, TO ENTER INTO AN AGREEMENT WITH 880 GLENWOOD, LLC, FOR THE CONSTRUCTION AND OPERATION OF A TEMPORARY TIE-BACK SUPPORT SYSTEM AND AUTHORIZING A SUBSEQUENT ENCROACHMENT AGREEMENT IF MODIFICATIONS TO THE CONSTRUCTION MAKE SUCH AN AGREEMENT NECESSARY; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 15 2010

COUNCIL

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred *2/11/10*

Referred To: *City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)
Other

Members

Members

Carla Smith

Harold Shank

Refer To

Refer To

Committee

Committee

Date

Date

Chair

Chair

Action

Action

Fav, Adv, Hold (see rev. side)
Other

Fav, Adv, Hold (see rev. side)
Other

Members

Members

FINAL COUNCIL ACTION
☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

FEB 15 2010

CERTIFIED
FEB 15 2010
Carla Smith
MAYORAL CLERK

MAYOR'S ACTION

Tracy Kang



CITY COUNCIL
AN ORDINANCE BY: *ATLANTA, GEORGIA*
CARLA SMITH

10-0-0317

AN ORDINANCE AUTHORIZING THE MAYOR ON BEHALF OF THE DEPARTMENT OF PUBLIC WORKS, TO ENTER INTO AN AGREEMENT WITH 880 GLENWOOD, LLC, FOR THE CONSTRUCTION AND OPERATION OF A TEMPORARY TIE-BACK SUPPORT SYSTEM AND AUTHORIZING A SUBSEQUENT ENCROACHMENT AGREEMENT IF MODIFICATIONS TO THE CONSTRUCTION MAKE SUCH AN AGREEMENT NECESSARY; AND FOR OTHER PURPOSES.

WHEREAS, 880 Glenwood, LLC, is the developer of a site on Bill Kennedy Way located in the City of Atlanta ("City"); and

WHEREAS, a temporary tie-back support system is required for the construction of a tie-back wall on Bill Kennedy Way, approximately 4 feet south of Faith Avenue on Kennedy Way; and

WHEREAS, the professional staff of the Department of Public Works has reviewed the plans for the proposed installation, and has determined that it meets the requirements set forth in 138-24(b) of the Official Code of the City of Atlanta; and

WHEREAS, in the event that unforeseen engineering requirements would dictate that a change in the construction methods set forth in the plans is necessary because a portion of the temporary tie-back wall would have to be left in place below the surface of City's right of way such that it would be necessary for the parties to enter into an encroachment agreement for that part of the tie-back structure:

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: The Mayor is authorized to enter into a Tie-Back Easement Agreement, as outlined in Section 138, Article II of the Official Code of the City of Atlanta, with 880 Glenwood, LLC, for the construction, installation, operation, use and maintenance of temporary tie-back facilities in the public right-of-way at approximately 4 feet south of Faith Avenue on Bill Kennedy Way.

SECTION 2: The Commissioner of Public Works, as the Mayor's designee, is authorized to review and approve the terms and conditions for the construction, maintenance, and removal of the temporary tie-back system, and to review and approve the plans for any construction, relocation and/or modification to the referenced tie-back system.

SECTION 3: In the event that unforeseen engineering requirements would dictate that a change in the plans reviewed by the professional staff of the Department of Public Works is necessary such that a portion of the temporary tie-back wall would have



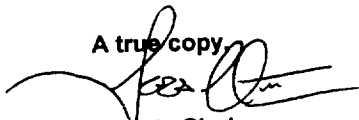
be left in place below the surface of the City's right of way, the Commissioner of Public Works as the Mayor's designee, is authorized to review and approve the terms and conditions made necessary for such modifications, and to review and approve the plans for any construction, relocation and/or modification to the referenced tie-back system as an encroachment into the right of way.

SECTION 4: The City Attorney is directed to prepare an appropriate Agreement for execution by the parties as necessary to put this ordinance into effect provided that 880 Glenwood, LLC, shall indemnify the City and hold the City harmless from any and all claims arising from the construction, installation, operation, use, maintenance, removal and/or placement of said facilities.

SECTION 5: The Agreement shall not become binding on the City, and the City will incur no obligation nor liability under it until it has been approved as to form by the City Attorney, executed by the Mayor, attested to by the Municipal Clerk, and delivered to 880 Glenwood, LLC.

SECTION 6: This ordinance shall become effective upon its execution by the Mayor or in the manner provided by Sec. 2-403 of the City Charter.

A true copy


Deputy Clerk

ADOPTED by the Atlanta City Council
APPROVED by Mayor Kasim Reed

FEB 15, 2010
FEB 23, 2010

RCS# 70
2/15/10
2:39 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	NV Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	NV Sheperd	NV Mitchell

CONSENT I

		02-15-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 10-O-0163 2. 10-O-0167 3. 10-O-0229 4. 10-O-0317 5. 10-O-0153 6. 10-O-0154 7. 10-O-0155 8. 10-O-0156 9. 10-O-0158 10. 10-O-0159 11. 10-O-0157 12. 10-R-0242 13. 10-R-0243 14. 10-R-0124 15. 10-R-0282 16. 10-R-0283 17. 10-R-0284 19. 10-R-0285 20. 10-R-0286 21. 10-R-0287 22. 10-R-0295 23. 10-R-0299 24. 10-R-0300 25. 10-R-0301 26. 10-R-0302 27. 10-R-0233 28. 10-R-0234 29. 10-R-0235 30. 10-R-0236 31. 10-R-0237 32. 10-R-0238 33. 10-R-0239 34. 10-R-0240 35. 10-R-0316	36. 10-R-0160 37. 10-R-0244 38. 10-R-0245 39. 10-R-0246 40. 10-R-0247 41. 10-R-0248 42. 10-R-0249 43. 10-R-0250 44. 10-R-0251 45. 10-R-0252 46. 10-R-0253 47. 10-R-0254 48. 10-R-0255 49. 10-R-0256 50. 10-R-0257 51. 10-R-0258 52. 10-R-0259	53. 10-R-0260 54. 10-R-0261 55. 10-R-0262 56. 10-R-0263 57. 10-R-0264 58. 10-R-0265 59. 10-R-0266 60. 10-R-0267 61. 10-R-0268 62. 10-R-0269 63. 10-R-0270 64. 10-R-0271 65. 10-R-0272 66. 10-R-0273 67. 10-R-0274